

HAND DELIVERED

AJD

LAW OFFICE OF

**PRENTICE A. HARVEY**

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KY REGISTRY OF  
ELECTION FINANCE

Hon. Connie L. Verill  
General Counsel  
Kentucky Registry of Election Finance  
140 Walnut Street  
Frankfort, Kentucky 40601

Dear Ms. Verill:

An advisory opinion of the Kentucky Registry of Election Finance is requested.

**Background**

The Kentucky Tort Reform Association, Inc. is a not for profit Kentucky corporation, which operates under the name of the Kentucky Civil Justice Alliance, (KCJA). The membership of the organization includes both for profit and not for profit foreign and domestic corporations. The KCJA is funded by membership dues and may also accept contributions from its membership.

The KCJA plans to engage in a public information advertising related to election campaigns and requests an advisory opinion from the Kentucky Registry of Election Finance (KREF) pursuant to KRS 121.135 and 32 KAR 2:060.

**Plans**

Public information advertising is anticipated concerning candidates for judicial office. In anticipation of this advertising, the Registry's Staff Report and Recommendations in Sandy Jones v. Alan Baker et al. (KREF Case No. 2004-207) has been carefully reviewed, as has KREF's Advisory Opinion 06-001.

With the understanding that the foregoing represents KREF's interpretation of applicable law, KCJA plans to communicate with the public by means of print and electronic media and direct mail. The communications will identify the office sought and seek to inform the public about the qualifications, experience, and virtues of certain clearly identified candidates for judicial office. The communications will not ask that a vote be cast for or against a candidate nor advocate that a candidate be elected or defeated. In other words, voters would not be asked to "elect," "support," "cast ballots for," "defeat," "reject," or use any of the so-called "magic words" as identified in Buckley v. Valeo, 424 U.S. 1 (1976). In carrying out the public information advertising, the KCJA will abstain from coordination with any candidate or campaign.

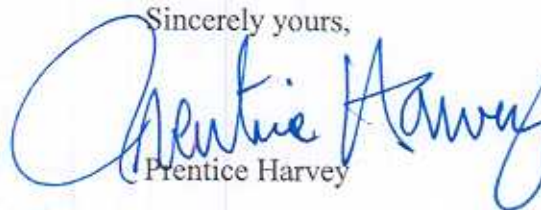
## Questions

Assuming the public information advertising, as above described, an advisory opinion is requested on the following questions so that the KCJA may fulfill its intent to communicate with the public within the constraints of the law:

1. What constitutes "aiding, assisting, or advancing any candidate for public office" and "express advocacy" within the meaning of KRS Chapter 121 and the regulatory jurisdiction of KREF?
2. Would KCJA be regarded as a "permanent committee" under KRS 121.015(3) and required to register?
3. What constitutes, "an independent expenditure" as defined in KRS 121.015(12)?
4. Must KCJA include a disclaimer on the advertising pursuant to KRS 121.190(1)?
5. Would KCJA be obligated by law to make public a list of its members or a list of contributors to its public information communications?

Your consideration of these questions is very much appreciated. If additional background or clarification is needed, please let me know.

Sincerely yours,



Prentice Harvey